

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:12-CV-349-D

NATIONAL ALLIANCE FOR  
ACCESSIBILITY, INC., and  
DENISE PAYNE,

Plaintiffs,

v.

BIG LOTS STORES, INC.,

Defendant.

**ORDER**

On October 1, 2012, defendant filed a motion to dismiss plaintiffs' complaint [D.E. 11]. On October 30, 2012, plaintiffs filed a motion for leave to file an amended complaint [D.E. 17] and a memorandum in support [D.E. 18]. Defendant opposes plaintiffs' motion to file an amended complaint [D.E. 22].

After considering plaintiffs' motion for leave to file an amended complaint in accordance with the governing standard, plaintiffs' motion [D.E. 17] is GRANTED. See Fed. R. Civ. P. 15(a)(2); see also Daniels v. Arcade, L.P., 477 F. App'x 125, 127-32 (4th Cir. 2012) (unpublished). Plaintiffs shall file the amended complaint attached to their motion not later than January 18, 2013. Defendant shall respond to the amended complaint in accordance with Federal Rule of Civil Procedure 15(a)(3). Defendant's motion to dismiss [D.E.11] is denied as MOOT.

SO ORDERED. This 11 day of January 2013.

  
JAMES C. DEVER III  
Chief United States District Judge